

**En Bloc Amendments to H.R. 4435**  
**National Defense Authorization Act for Fiscal Year 2015**  
Wednesday, May 7, 2014

Military Personnel En Bloc #2		
Log #	Sponsor	Description
<b>003r1</b>	Kline	Requires the Secretary of Defense to communicate with the Armed Services Committees during the development of the roles and responsibilities of the DOD Senior Advisor on Professionalism and submit recommendations to Congress after a preliminary review of professionalism programs.
<b>034</b>	Speier	Aligns MRE 513 with those under the attorney-client, penitent-clergy, and spousal privileges.
<b>040r1</b>	Speier	Allows the Secretary of Defense to carry out research with respect to Alzheimer's disease.
<b>073r1</b>	Sanchez	This amendment includes oversight mechanisms over the services' gender-neutral implementation plans and provisions which will further support and enhance leadership opportunities for female service members
<b>074r1</b>	Sanchez	Places a deadline for submission of report containing results of review of Office of Diversity Management and Equal Opportunity Role in Sexual Harassment cases.
<b>120</b>	Fleming	Requires the SecDef to review current regulations regarding the appointment of chaplains to determine if they are sufficient to meet the recommendations of the DoD Independent Review Related to Ft Hood.
<b>126</b>	Speier	This amendment narrows the good military character evidence admissibility language and specifies that the good military character offense may only be used for specific military offenses.
<b>154r1</b>	Hanabusa	Would require shared analysis on reduction to the Basic Allowance for Housing
<b>173r1</b>	Scott	Encourages the Department to assist families with autistic children by providing early intervention and treatment approaches
<b>180r1</b>	Peters	Codify the Modular Airborne Fire Fighting System mission under Title 32 (as it currently operates); ensures survivor benefits are made equal to those under Title 10
<b>186r1</b>	Johnson	Prohibits enforcement of the Army's new hair and grooming standards for female soldiers in paragraph 3-2 of Army Regulation 670-1.
<b>193r1</b>	Johnson	Recognizes that chronic pain disorders are increasingly prevalent among service members and heavily impacted by sleep health quality and encourages further multi disciplinary research.

**AMENDMENT TO H.R. 4435**  
**OFFERED BY MR. KLINE OF MINNESOTA**

At the end of subtitle C of title V, add the following  
new section:

1 **SEC. 5\_\_\_ . DEPARTMENT OF DEFENSE SENIOR ADVISOR ON**  
2 **PROFESSIONALISM.**

3 (a) INITIAL CONGRESSIONAL OVERSIGHT.—In the  
4 development of the roles, responsibilities, and goals of the  
5 Department of Defense Senior Advisor on Professionalism  
6 to strengthen professionalism programs in the Depart-  
7 ment of Defense, the Secretary of Defense shall commu-  
8 nicate with the Committees on Armed Services of the Sen-  
9 ate and the House of Representatives regarding the mis-  
10 sion, goals, and metrics for the Senior Advisor on Profes-  
11 sionalism.

12 (b) INITIAL REVIEW BY SENIOR ADVISOR ON PRO-  
13 FESSIONALISM.—Upon appointment of the Senior Advisor  
14 on Professionalism, the Senior Advisor on Professionalism  
15 shall—

16 (1) conduct a preliminary review of the effec-  
17 tiveness of current programs and controls of the De-  
18 partment of Defense and the military departments  
19 regarding professionalism; and

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1           (2) submit, not later than September 1, 2015,  
2           to the Committees on Armed Services of the Senate  
3           and the House of Representatives recommendations  
4           to strengthen professionalism programs in the De-  
5           partment of Defense.



**AMENDMENT TO H.R. 4435**  
**OFFERED BY MS. SPEIER OF CALIFORNIA**

At the end of subtitle D of title V, add the following  
new section:

1 **SEC. 5\_\_\_ . CONSISTENT APPLICATION OF RULES OF PRIVI-**  
2 **LEGE AFFORDED UNDER THE MILITARY**  
3 **RULES OF EVIDENCE.**

4 (a) **ELIMINATION OF EXCEPTION TO**  
5 **PSYCHOTHERAPIST-PATIENT PRIVILEGE.**—Effective on  
6 and after the date of the enactment of this Act, the excep-  
7 tion granted by subparagraph (d)(8) of Military Rule of  
8 Evidence 513 to the privilege afforded to the patient of  
9 a psychotherapist to refuse to disclose, and to prevent any  
10 other person from disclosing, a confidential communica-  
11 tion made between the patient and a psychotherapist or  
12 an assistant to the psychotherapist in a case arising under  
13 the Uniform Code of Military Justice shall be deemed to  
14 no longer apply or exist as a matter of law.

15 (b) **CONFORMING AMENDMENT REQUIRED.**—As soon  
16 as practicable after the date of the enactment of this Act,  
17 the Joint Service Committee on Military Justice of the De-  
18 partment of Defense shall amend Military Rule of Evi-

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1 dence 513 to reflect the elimination of the exception re-

2 ferred to in subsection (a) pursuant to such subsection.



**AMENDMENT TO H.R. 4435**  
**OFFERED BY MS. SPEIER OF CALIFORNIA**

At the appropriate place in title VII, insert the following:

- 1 **SEC. 7\_\_\_ . RESEARCH REGARDING ALZHEIMER'S DISEASE.**
- 2       The Secretary of Defense may carry out research, de-
- 3 velopment, test, and evaluation activities with respect to
- 4 Alzheimer's disease.



**AMENDMENT TO H.R. 4435**  
**OFFERED BY MS. LORETTA SANCHEZ OF**  
**CALIFORNIA**

At the end of subtitle C of title V, add the following  
new section:

1 **SEC. 5\_\_ . REMOVAL OF ARTIFICIAL BARRIERS TO THE**  
2 **SERVICE OF WOMEN IN THE ARMED FORCES.**

3 (a) **VALIDATION AND OVERSIGHT OF GENDER-NEU-**  
4 **TRAL OCCUPATIONAL STANDARDS.—**

5 (1) **VALIDATION; PURPOSE.—**The Secretary of  
6 Defense shall direct the Secretary of each military  
7 department to validate the gender-neutral occupa-  
8 tional standards used by the Armed Forces under  
9 the jurisdiction of that Secretary for the purpose of  
10 ensuring that the standards—

11 (A) are consistent with section 543 of the  
12 National Defense Authorization Act for Fiscal  
13 Year 1994 (Public Law 103–160; 10 U.S.C.  
14 113 note), as amended by section 523 of the  
15 National Defense Authorization Act for Fiscal  
16 Year 2014 (Public Law 113–66; 127 Stat.  
17 756), which requires gender-neutral occupa-  
18 tional standards, requiring performance out-

1           come-based standards for the successful accom-  
2           plishment of the necessary and required specific  
3           tasks associated with the qualifications and du-  
4           ties performed;

5           (B) accurately predict performance of ac-  
6           tual, regular, and recurring duties of a military  
7           occupation; and

8           (C) are applied equitably to measure indi-  
9           vidual capabilities.

10          (2) ROLE OF INDEPENDENT RESEARCH ENTI-  
11          TY.—To comply with paragraph (1), the Secretaries  
12          of the military departments shall work with an inde-  
13          pendent research entity identified by the Secretaries.

14          (b) INFANTRY TRAINING COURSES.—Not later than  
15          60 days after the date of the enactment of this Act, the  
16          Secretary of the Navy shall provide the Committees on  
17          Armed Services of the Senate and the House of Represent-  
18          atives with a briefing on the Marine Corps research involv-  
19          ing female members of the Marine Corps who volunteer  
20          for the Infantry Officers Course (IOC), the enlisted infan-  
21          try training course (ITB), and the Ground Combat Ele-  
22          ment Experimental Task Force (GCETTF) for the pur-  
23          pose of—

24                 (1) determining what metrics the Marine Corps  
25                 used to develop the research requirements and ele-



1           ments for the Marine Corps Expanded Entry-Level  
2           Training Research;

3           (2) indicating what is being evaluated during  
4           these research studies, along with how long both re-  
5           search studies will last; and

6           (3) identifying how data gathered during the  
7           research studies will be used to open infantry and  
8           other closed occupations.

9           (c) FEMALE PERSONAL PROTECTION GEAR.—The  
10          Secretary of Defense shall direct each Secretary of a mili-  
11          tary department to take immediate steps to ensure that  
12          properly designed and fitted combat equipment is available  
13          and distributed to female members of the Armed Forces  
14          under the jurisdiction of that Secretary.

15          (d) REVIEW OF OUTREACH AND RECRUITMENT EF-  
16          FORTS FOCUSED ON OFFICERS.—

17               (1) REVIEW REQUIRED.—The Comptroller Gen-  
18               eral of United States shall conduct a review of Serv-  
19               ices' Outreach and Recruitment Efforts gauged to-  
20               ward women representation in the officer corps.

21               (2) ELEMENTS OF REVIEW.—In conducting the  
22               review under this subsection, the Secretary of De-  
23               fense shall—

1 (A) identify and evaluate current initiatives  
2 the Armed Forces are using to increase acces-  
3 sion of women into the officer corps;

4 (B) identify new recruiting efforts to in-  
5 crease accessions of women into the officer  
6 corps specifically at the military service acad-  
7 emies, Officer Candidate Schools, Officer Train-  
8 ing Schools, the Academy of Military Science,  
9 and Reserve Officer Training Corps; and

10 (C) identify efforts, resources, and funding  
11 required to increase military service academy  
12 accessions by women by an additional 20 per-  
13 cent.

14 (3) SUBMISSION OF RESULTS.—Not later than  
15 April 1, 2015, the Comptroller General shall submit  
16 to Congress a report containing the results of the re-  
17 view under this subsection.



Log 074 r1

**AMENDMENT TO H.R. 4435**  
**OFFERED BY MS. LORETTA SANCHEZ OF**  
**CALIFORNIA**

At the end of subtitle I of title V, add the following  
new section:

1 **SEC. 5\_\_\_ . DEADLINE FOR SUBMISSION OF REPORT CON-**  
2 **TAINING RESULTS OF REVIEW OF OFFICE OF**  
3 **DIVERSITY MANAGEMENT AND EQUAL OP-**  
4 **PORTUNITY ROLE IN SEXUAL HARASSMENT**  
5 **CASES.**

6 Not later than June 1, 2015, the Secretary of De-  
7 fense shall submit to the Committees on Armed Services  
8 of the Senate and the House of Representatives a report  
9 containing the results of the review conducted pursuant  
10 to section 1735 of the National Defense Authorization Act  
11 for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 976).



**Amendment Offered by Fleming**

**H.R. 4435—National Defense Authorization Act for Fiscal Year 2015**

In the appropriate place in the report, insert the following:

**Report on Sufficiency of DoD Chaplain Guidance in Response to Independent  
Review Related to Fort Hood**

The committee directs the Secretary of Defense to submit a report to the congressional defense committees by April 1, 2015, on the results of a review to determine if current Department of Defense guidance regarding an individual, ecclesiastical endorsing agent, or religious organization's conviction or indictment of a terrorism-related offense or other offense threatening national security and their participation in the chaplaincy is sufficient to meet the recommendations of the Department of Defense Independent Review Related to Fort Hood.

**AMENDMENT TO H.R. 4435**  
**OFFERED BY MS. SPEIER OF CALIFORNIA**

In section 535, relating to modification of Military Rules of Evidence relating to admissibility of general military character toward probability of innocence, designate the current text as subsection (a) and add the following new subsection:

1       (b) REVISION OF RULE 404(A) BY OPERATION OF  
2 LAW.—Effective on and after the date of the enactment  
3 of this Act, Rule 404(a) of the Military Rules of Evidence  
4 does not authorize the admissibility of evidence regarding  
5 the good military character of an accused in the findings  
6 phase of courts-martial, except in the instance of the fol-  
7 lowing military-specific offenses:

8           (1) Article 84 effecting unlawful enlistment, ap-  
9           pointment, separation.

10          (2) Article 85 desertion.

11          (3) Article 86 absent without leave.

12          (4) Article 87 missing movement.

13          (5) Article 88 contempt towards officials.

14          (6) Article 89 disrespect toward superior com-  
15          missioned officer.

1 (7) Article 90 assaulting, willfully disobeying  
2 superior commissioned officer.

3 (8) Article 91 insubordinate conduct toward  
4 warrant, noncommissioned, petty officer.

5 (9) Article 92 failure to obey order or regula-  
6 tion.

7 (10) Article 93 cruelty and maltreatment of  
8 subordinates.

9 (11) Article 94 mutiny and sedition.

10 (12) Article 95 resisting apprehension, flight,  
11 breach of arrest, escape.

12 (13) Article 96 releasing a prisoner without  
13 proper authority.

14 (14) Article 97 unlawful detention.

15 (15) Article 98 noncompliance with procedural  
16 rules.

17 (16) Article 99 misbehavior before enemy.

18 (17) Article 100 subordinate compelling sur-  
19 render.

20 (18) Article 101 improper use of countersign.

21 (19) Article 102 forcing safeguard.

22 (20) Article 103 captured, abandoned property.

23 (21) Article 104 aiding the enemy.

24 (22) Article 105 misconduct as prisoner.

25 (23) Article 106a espionage.

1 (24) Article 107 false official statements.

2 (25) Article 108 loss, damage, destruction, dis-  
3 position of military property.

4 (26) Article 109 loss, damage, destruction, dis-  
5 position of property other than military property of  
6 the United States.

7 (27) Article 110 improper hazarding of vessel.

8 (28) Article 111 drunk or reckless operation of  
9 vehicle, aircraft, or vessel.

10 (29) Article 112 wrongful use, possession, man-  
11 ufacture or introduction of controlled substance.

12 (30) Article 113 misbehavior of sentinel or look-  
13 out.

14 (31) Article 114 dueling.

15 (32) Article 115 malingering.

16 (33) Article 116 riot.

17 (34) Article 117 provoking, speech, gestures.

18 (35) Article 133 conduct unbecoming an officer.

19 (36) Article 134 general article of the Uniform  
20 Code of Military Justice.

21 (37) Attempts, conspiracy, or solicitation to  
22 commit such offenses.



Log 154r1

## **Amendment Offered by Ms. Hanabusa of Hawaii**

**H.R. 4435—National Defense Authorization Act for Fiscal Year 2015**

In the appropriate place in the report, insert the following:

### **Basic Allowance for Housing**

The committee is concerned that the Administration's proposal to modify the basic allowance for housing to increase the out of pocket costs for service members and their families up to five percent out of pocket, as well as eliminate the stipend for renter's insurance in the calculation for housing allowance may have unintended consequences that have not been fully explored. The Military Compensation and Retirement Modernization Commission is currently reviewing compensation programs, including the basic allowance of housing, and its report is due on February 1, 2015. The committee recommends that the Department of Defense share with the Commission, the analysis, if any, that was conducted on the impact of increasing the basic allowance for housing will have on member retention, readiness and morale of the force. The Department should also share any analysis that was conducted on the impact to the housing privatization program, including any impact to recapitalization accounts, debt service, operation, maintenance and repair requirements and long-term operation of privatized projects. The committee looks forward to the results of the Commission, including any analysis on the impact of changes to the basic allowance for housing for service members.



Log 173r1

**Amendment Offered by Rep. Austin Scott and Rep. Hank  
Johnson**

**H.R. 4435—National Defense Authorization Act for Fiscal Year 2015**

In the appropriate place in the report, insert the following:

**Early Autism Diagnosis and Assistance for Families**

The committee recognizes that with early intervention a child diagnosed with autism spectrum disorder may make significant progress, potentially increasing language and social skills as well as mitigating the development of problematic behaviors. The committee encourages the Department to continue to assist military families with autistic children to ensure the availability of the full and expanding range of early evidence-based risk assessment and diagnostics, early intervention and treatment approaches.

Log 180R7

**AMENDMENT TO H.R. 4435**

**OFFERED BY MR. PETERS OF CALIFORNIA**

At the end of division A, add the following new title:

1 **TITLE XVII—NATIONAL GUARD**  
2 **CIVIL AND DEFENSE SUPPORT**

3 **SEC. 1701. SHORT TITLE.**

4 This title may be cited as the “National Guard Civil  
5 and Defense Support Act of 2014” or the “GUARD Act  
6 of 2014”.

7 **SEC. 1702. NATIONAL GUARD CIVIL AND DEFENSE SUP-**  
8 **PORT ACTIVITIES.**

9 Chapter 2 of title 32, United States Code, is created  
10 titled “National Guard Civil and Defense Support Activi-  
11 ties”.

12 **SEC. 1703. OPERATIONAL USE OF THE NATIONAL GUARD.**

13 Chapter 2 of title 32, United States Code, is amended  
14 by adding the following section:

15 **“SEC. 200 OPERATIONAL USE OF THE NATIONAL GUARD.**

16 “This Chapter authorizes the operational use of the  
17 National Guard and recognizes that the basic premise of  
18 both the National Incident Management System, and the  
19 National Response Framework is that incidents are typi-  
20 cally managed at the local level first and that local juris-

1 dictions retain command, control, and authority over re-  
2 sponse activities for their jurisdictional areas.”.

3 **SEC. 1704. CODIFYING CURRENT NATIONAL GUARD AERIAL**  
4 **FIREFIGHTING ACTIVITIES.**

5 Chapter 2 of title 32, United States Code, is amended  
6 by adding the following section:

7 **“SEC. 210. ASSISTANCE TO CIVIL FIREFIGHTING ORGANIZA-**  
8 **TIONS.**

9 “(a) Members and units of the National Guard shall  
10 be authorized to support operations, missions or activities,  
11 including, but not limited to, aerial firefighting employ-  
12 ment of the Modular Airborne Firefighting System  
13 (MAFFS), undertaken in support of a civil authority or  
14 of a State or Federal agency.

15 “(b) For the purposes of subsection (a) Governors of  
16 U.S. States shall be the principal civil authority, and the  
17 Adjutant General of the State or his or her designee shall  
18 be the principal military authority when acting in his or  
19 her State capacity and has the primary authority to mobi-  
20 lize members and units of the National Guard of their re-  
21 spective State in any duty status under this title he or  
22 she deems appropriate to employ necessary forces when  
23 funds to perform such operations, missions or activities  
24 are reimbursed.”.

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1 **SEC. 1705. ACTIVE GUARD AND RESERVE (AGR) SUPPORT.**

2 Section 328(b) of title 32, United States Code, is  
3 amended in subsection (b)—

4 (1) by inserting “ duty as specified in section  
5 210 or (b) may perform” after “(a) may perform”;  
6 and

7 (2) by inserting “(A) and (B)” after “ specified  
8 in section 502(f)(2)”; and

9 **SEC. 1706. FEDERAL TECHNICIANS SUPPORT.**

10 Section 709(a)(3) of title 32, United States Code, is  
11 amended by inserting “duty as specified in section 210  
12 of this title or” after “(3) the performance of,”.



Log 186 KI

**Amendment Offered by Mr. Johnson of Georgia**

**H.R. 4435—National Defense Authorization Act for Fiscal Year 2015**

In the appropriate place in the report, insert the following:

**[DEPARTMENT OF DEFENSE HAIR AND GROOMING STANDARDS]**

The Secretary of Defense shall not enforce and shall evaluate the changes to hair standards and grooming policies for female service members, as those contained in paragraph 3-2 of Army Regulation 670-1, issued on March 31, 2014, and report to the congressional defense committees the results of the evaluation. The evaluation shall include the opinions of those who may have religious accommodation requirements and minorities serving in the Armed Forces.

Log 193 R7

## **Amendment Offered by Mr. Johnson of Georgia**

**H.R. 4435—National Defense Authorization Act for Fiscal Year 2015**

In the appropriate place in the report, insert the following:

[Sleep Health]

[The committee recognizes that sleep disruption is a contributing risk factor to the onset and severity of major mental health problems such as depression, bipolar disorder, substance abuse, posttraumatic stress disorder, traumatic brain injury, and suicide. The committee commends the Department for its initial steps to leverage investments by the National Institutes of Health in the development of the Pain Assessment Tool and Outcomes Registry for its use throughout the military health system. The committee recommends the continued implementation of the Sleep, Activity, and Nutrition program which works to ensure a strong and resilient military community. The committee encourages the Secretary of Defense to conduct an assessment of the prevalence of sleep and circadian disturbances among active military personnel and its relationship between mental health, traumatic brain injury, posttraumatic stress disorder, chronic pain and fatigue, substance abuse, suicide, depression, cognitive function, and military performance and readiness.]